

REMARKS

By the above amendments, Applicant has amended claims 1-2, 7, and 13 in order to more particularly and distinctly define the present invention patentably over the references recited. Applicant respectfully submits that said amended claims are now placed in position for allowance, and detailedly clarifies the allowance reasons as follows.

Rejections Under 35 U.S.C. 102

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US Publication No. 20040047122). Claims 1, 2, 7-9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US Pat. No. 6,628,514). Claims 1, 2, 4-8, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al (US Pat. No. 6,529,373).

Amended claim 1 recites "...a first sidewall extending upwardly from a side of said bottom wall with **a plurality of locating pins protruding inwardly therefrom** corresponding to the fixing holes of the data storage device; **locking means directly formed on the second sidewall of the mounting bracket** to retain the data storage device in the mounting bracket." In opposite, in US publication No. 20040047122, the so-called locking means (164) are through holes which do not perform any locking functions. Actually, it's the positioning pins (264) that extend through the through holes (164) to engage in the fixing holes of the data storage device, while the positioning pins (264) are formed from a cover (20) which is separated from the second sidewall (16). In other words, the positioning pins (264) are **NOT** directly formed from the second sidewall (16). Thus, the present invention as cited in the amended claim 1 and the Chen reference are different from each other.

In US patent No. 6,628,514, the so-called locating means (30) are fasteners formed alone respectively, which extend through the through holes (22) of the

second sidewall of the mounting bracket (20) to engage in the fixing holes (14) of the data storage device (10). In other words, the fasteners are **NOT** directly formed from the second sidewall of the mounting bracket. Thus, the present invention as cited in the amended claim 1 and the Chen reference are different from each other.

In US patent No. 6,529,373, the so-called locking means are through holes which do not perform any locking functions. Actually, it's the screws that extend through the through holes to engage in the fixing holes of the data storage device. In other words, the locking means are **NOT** directly formed from the sidewall of the mounting bracket (6). Thus, the present invention as cited in the amended claim 1 and the Liao reference are different from each other.

Accordingly, the amended claim 1 is distinguished from any of the cited references, and should be allowable. Claims 2-3 are dependent on amended claim 1, and should also be allowed. Claims 4-6 are canceled.

Amended claim 7 recites "...a first sidewall extending upwardly from a side of the bottom wall, **the first sidewall comprising a plurality of locating pins extending inwardly therefrom** and inserting into the fixing holes; **a plurality of fixing tabs extending upwardly adjacent an opposite side of the bottom wall, each of the fixing tabs defining a through hole**, and **screws extending through the through holes** to engage in the fixing holes of the data storage device." In opposite, in US publication No. 20040047122, the positioning pins (264) extend through the through holes (164) of the second sidewall (16) to engage in the fixing holes of the data storage device, while the positioning pins (264) are formed from a cover (20) which are large and separated from the second sidewall (16). Furthermore, the cover (20) with the positioning pins (264) is **NOT** simple in manufacturing or cheap in cost. So, the positioning pins (264) of the cover (20) are different from the screws. Thus, the present invention as cited in the amended claim 7 and the Chen reference are different from each other.

In US patent No. 6,628,514, the locating pins (30) extend through the through holes (22) of the second sidewall of the mounting bracket to engage in the fixing holes (14) of the data storage device (10). The locating pins (30) are not common components. Claim 7 recites that screws extend through the through holes of the discrete fixing tabs to engage in the fixing holes of the data storage device. Thus, the present invention as cited in the amended claim 7 and the Chen reference are different from each other.

In US patent No. 6,529,373, the first sidewall (28) and the second sidewall (32, 30, 34) both define a plurality of through holes therein, and screws extend through the through holes to engage in the fixing holes of the data storage device. Claim 7 recites that the first sidewall comprising a plurality of locating pins directly extending inwardly therefrom, which is different from screws extending through the through holes of the mounting bracket. Thus, the present invention and the Liao reference are different from each other.

Accordingly, the amended claim 7 is distinguished from any of the cited references, and should be allowable.

Furthermore, claim 13 recites that a second sidewall extends from the opposite side of the bottom wall of the mounting bracket for sandwiching the data storage device with the first sidewall, and the fixing tabs extend parallel to and spaced from the second sidewall of the mounting bracket. These features are **NOT** disclosed in any of the cited reference, thus, claim 13 bears more patentable weight. Claims 8-12, 14-15 are canceled.

Rejections Under 35 U.S.C. 103

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US publication No. 20040047122) in view of Johnson (US patent No. 2,958,496). Applicant respectfully traverses this rejection.

Firstly, the Chen reference is an unqualified reference. Chen is essentially

related to the 102(e)/103 rejection rather than the 103(a) rejection because the publication date of Chen, i.e., 03/11/04 is later than the filing date of the instant invention, i.e., 08/18/03. Additionally, both the Chen reference and the instant invention have the same assignee, i.e., Hon Hai Precision Ind. Co., Ltd. In other words, the invention and the Chen reference were, at the time the invention of the instant application was made, owned by Hon Hai Precision Ind. Co., Ltd.. Thus, according to the new rule as shown in the attached material, i.e., "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)", the Chen reference should be excluded from the rejection basis. Without the Chen reference, the remaining Johnson references which were picked by the Examiner for ribs thereof, can no longer render obvious the invention as defined in claim 16.

On the other hand, in fact the instant application claims the priority based upon the Taiwan application 91220204 filed on 12/13/02 which predates the filing date of the Chen reference, i.e., 12/27/02. Therefore, *if necessary under a condition that Chen is still the 102(e) rejection reference to some remaining claims*, Applicant is willing to provide a verified translation of the corresponding Taiwan application for overcoming Chen.

In view of the foregoing, the subject application as claimed in the pending claims is in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,
Li Ping, Chen

By 
Wei Te Chang

Registration No.: 43,325

Foxconn International, Inc.

P. O. Address: 1650 Memorex Drive, Santa Clara, CA 95050

Tel No.: (408) 919-6137